



WAIVER OF ZONING ORDINANCE SECTION 7-302

STATEMENT OF JUSTIFICATION

RUSSELL E. AND MARY ELLEN L. CULVER PROPERTY
KNOWN AS THE BROSIUS DIVISION - PARCEL C
PIN 7916-02-8771

This waiver request is on behalf of the Culver property, known as Parcel C of the Brosius Division, located in the Scott Magisterial District of Fauquier County. The property is currently zoned R-1 and is accessed via a 50 ft. wide private ingress/egress easement known as Culver Drive and then Stonefield Lane from Virginia Route 600, Broad Run Church Road.

Pursuant to the subdivision potential letter provided by the Office of Community Development, this property is allowed the development of two new lots plus the residue tract under the family partition process. Section 7-302 of the zoning ordinance requires that "the private street must connect directly to a state maintained street". The proposed lots will be accessed via Culver Drive and Stonefield Lane. Under the auspices of a family partition, this application is requesting a waiver of Section 7-302 so that the new lots may be accessed via a private easement to private easement to state maintained street.

We offer the following letter by Mr. and Mrs. Culver in support of this request:

In June of 2002 my wife and I decided to give our sons Russ and Dan a parcel of our property on which to build their homes. Russ and his family have been renting for years and Dan wanted to move back with his family and build a home in Fauquier County. They grew up in our home in New Baltimore and they both wanted to raise their children in the same neighborhood. They can't afford to buy land in that area at this time and we wanted to help them by giving them a gift of the land.

We contacted Deidra Clark and her assistant Fran of Community Development, who suggested we start proceedings for a family transfer. We received our subdivision potential letter on June 25th, 2002, informing us that our parcel had the potential for 4 lots. We then contacted Carson, Harris & Associates, LLC surveyors to proceed with the necessary surveying and platting for submission. Our subdivision is also served by the New Baltimore sewer system, which comes past the property and is slated to be operational by July of 2003. Additionally, the subdivision access road is serviced by a road maintenance association, of which I have been President for over 20 years. The association will accept the additional lots and the new deeds will incorporate the stipulation of participating and continued participation in the Road Maintenance Association.

For your further consideration, we would like to mention that the original easement for the Brosius subdivision has always been from Route 600 thru the subdivision to egress onto Route 29. This original easement, of which Stonefield Lane is a part, has always been served by the road maintenance agreement of the Culver Drive Association. In fact, it was not Stonefield Lane which created the appearance of an additional easement. It was the extension of Culver Drive after it passes our lot. As such, this extension is not included in the road maintenance association because it was not part of the original easement.

The total area of our property has always existed on the single common easement as recorded in the deeds of the Brosius Subdivision. We feel that just because the county changed the name of one part of our road, doesn't make it an additional easement, as it was part of the original easement to the property. And certainly, this would seem an unfair penalty to our children.

Also, to this point in our petitioning, we have gone through considerable time and expense, paying the County fees and costs for survey, division, platting and planning, as well as \$8,000.00 paid to the FCWSA for the sewer taps.

It is our hope the County will allow the family partition of our property, so that we can give our children and their families this needed gift.

Respectfully submitted by:



Russell E. and Mary Ellen L. Culver